

SANDRA KETNER, ESQ., Bar # 8527
LITTLER MENDELSON, P.C.
200 S. Virginia Street
8th Floor
Reno, NV 89501.1944
Telephone: 775.348.4888
Fax No.: 775.786.0127
sketner@littler.com

Attorneys for Defendant
WESTERN PARTITIONS, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BENJAMIN PEREZ-MONTIJO, a.k.a.
Benjamin Perez, an individual,

Plaintiff,

vs.

WESTERN PARTITIONS, INC., a
Foreign Corporation,

Defendant.

Case No. 3:18-cv-00509-MMD-CBC

**STIPULATION TO SET ASIDE
DEFAULT; ORDER**

Plaintiff Benjamin Perez-Montijo ("Plaintiff") and Defendant Western Partitions, Inc. ("Defendant"), by and through their counsel of record, hereby stipulate to the following:

1. On January 7, 2019, Plaintiff served the Complaint upon Defendant.
2. Defendant failed to answer or otherwise appear on or before January 28, 2019.
3. On February 4, 2019, Plaintiff requested the entry of a default against Defendant.
4. A default was entered against Defendant by the clerk of the court on February 5, 2019.
5. Defendant's failure to answer or otherwise appear was not willful or culpable. Rather, Defendant's failure to answer or otherwise appear was due to inadvertent miscommunication between it, its insurance carrier and its legal counsel.
6. The parties wish to seek resolution of this case on its merits. Therefore, the parties

1 request and stipulate that the default entered on February 5, 2019 be set aside by the Court.

2 7. Defendant may be able to present a meritorious defense if the default is set aside.

3 8. Plaintiff will not suffer prejudice as a result of the setting aside of the default.

4 9. Good cause exists to set aside the default entered against Defendant on February 5,
5 2019.

6 10. The parties stipulate that Defendant will file an answer to the Complaint no later than
7 five (5) days after this Court's Order setting aside the default.

8 Dated: February 8, 2019

Dated: February 8, 2019

9
10 /s/William J. Geddes
11 WILLIAM J. GEDDES, ESQ.
THE GEDDES LAW FIRM, P.C.

12 Attorneys for Plaintiff
13 BENJAMIN PEREZ-MONTIJO

/s/Sandra Ketner
SANDRA KETNER, ESQ.
LITTLER MENDELSON, P.C.

Attorneys for Defendant
WESTERN PARTITIONS, INC.

14 **ORDER**

15 IT IS SO ORDERED.

16 Dated this 11th day of February, 2019.

17 

18 UNITED STATES DISTRICT JUDGE
19
20
21
22
23
24
25
26
27
28